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JUN 25 1991

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 25, 1991

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: Amendment of the Commission's Rules
Regarding Grandfathered Short-Spaced
Stations
RM-7651

Dear Ms. Searcy:

I am transmitting herewith on behalf of Par Broadcasting Company an original and nine copies of a "Request to File Second Supplement to Statement." The request, under Section 1.405(c), is for permission to file the "Second Supplement to Statement in Support of Joint Petition" which is submitted separately and simultaneously herewith.

Please contact me if there are any questions in connection with this matter.

Very truly yours,



Christopher C. Smallwood

CCS/md
Enclosure

Before The
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of the Commission's Rules)
Regarding Grandfathered Short-)
Spaced Stations)

RM-7651

To: The Commission

REQUEST TO FILE SECOND SUPPLEMENT TO STATEMENT

Par Broadcasting Company, licensee of Stations KGMG AM/FM, Oceanside, California ("Par"), hereby requests permission, under Section 1.405(c) of the Commission's Rules, to file a Second Supplement to the Statement it filed in support of the above-referenced Petition for Rulemaking.

1. Our Statement in support of the Petition was filed with the Commission on April 4, 1991. We urged the Commission to institute a rulemaking looking towards restoring the previous version of Section 73.213 of the Commission's Rules. In particular, we supported the Petition to the extent it asked that grandfathered short-spaced FM stations be permitted to increase their facilities without regard to whether such increase would further an existing short-spacing towards a third-adjacent station. In essence, we supported restoration of the version of Section 73.213 which was in effect before a 1987 rule change. Our Statement cited some of the anomalies which the rule change has caused.

2. On June 12, 1991, we filed an application with the Commission for authority to relocate the transmitter site of our FM station. That application included a request for waiver of

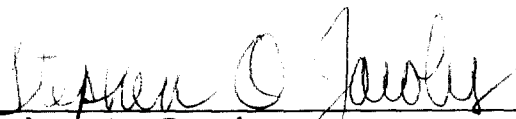
Section 73.213. Our waiver request spelled out, in detail, the public-interest grounds in support of our application. Further, the waiver request provided a specific example of the way in which the current version of Section 73.213 operates as a harmful regulatory barrier to improved service to the public.

3. We believe the facts and arguments contained in our waiver request would be of significant aid to the Commission in the context of the pending rulemaking Petition. Particularly, the fact that the "consent" provisions of the present rule can be used by licensees solely for the purpose of protecting their existing market share should be carefully weighed by the Commission. Our waiver request is highly germane to the issues raised by the Petition. Accordingly, since our Second Supplement¹ will aid the Commission's decision-making process and add to the completeness of the record, we request leave to file it.

Respectfully submitted,

PAR BROADCASTING COMPANY

By:


Stephen O. Jacobs
Partner

Date:

6/24/91

¹ On May 3, 1991, we filed a "[First] Supplement to Statement in Support of Joint Petition" and a corresponding "Request to File." That First Supplement brought to the Commission's attention the relevance of the recent full Commission decision in the matter of Educational Information Corporation, released April 24, 1991 (FCC 91-104). In that decision, the Commission liberalized its waiver policy for third-adjacent short-spacings for noncommercial educational FM stations. Many of the factors relied upon therein apply with equal force in the case of commercial FM operators.

CERTIFICATE OF SERVICE

I, Christopher C. Smallwood, certify that I have this 25th day of June, 1991, caused to be delivered via first class mail, postage pre-paid, a copy of the foregoing "Request to File Second Supplement to Statement" to the following:

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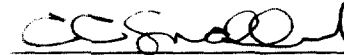
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